

Remarks

Applicant thanks the Examiner for extending the courtesy of an Examiner Interview to Applicant's representatives on May 20, 2004 where Examiner and Applicant's representatives discussed the claims and their differences from the prior art.

Claims 1-38 are pending in this application. New claims 39-41 have been added. No new matter has been added. Support for the new claims may be found, for example, in the specification on page 11 and in the drawings. In view of following comments, allowance of all the claims pending in the application is respectfully requested.

Information Disclosure Statement

The Examiner submits in the Office Action mailed December 3, 2003 that a supplemental IDS with a PTO-1449 was not found. As a courtesy to the Examiner, a copy of the Supplemental IDS filed January 5, 2001 with the associated PTO-1449 and one reference is submitted herewith. Acknowledgement of the receipt of the Supplemental IDS is requested.

Rejections Under 35 U.S.C. § 112

Claims 1-38 stand rejected under 35 U.S.C. §112 as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner alleges that several terms recited in the claims are indefinite and/or vague for various reasons without full explanation of why the Examiner considers these terms to be improper. The meanings of these terms are fully ascertainable through a reading of the claims in light of the specification and/or based on the ordinary English language meanings of these terms.

Specifically regarding the rejection of the term "system", Applicant submits that use of this term is well known and widely acceptable. Should the Examiner insist on maintaining the rejection of this term and the others, Applicant respectfully requests that the Examiner cite to statutory or other precedential provisions for maintaining these rejections and provide further specificity as to the alleged indefiniteness.

Rejections Under 35 U.S.C. § 101

Claims 1-19 are rejected under 35 U.S.C. 101 as allegedly being non-statutory. Applicant respectfully disagrees. For a claim to be statutory under 35 U.S.C. § 101, the claimed process or system must produce a useful, concrete, and tangible result. See State Street Bank & Trust Co. v. Signature Financial Group Inc., 149 F.3d 1368, 47 USPQ 2d 1596 (Fed. Cir. 1998). There is no requirement in the United States to present a technological basis in the body of the claim. Should the Examiner insist on maintaining this rejection, Applicant respectfully requests that the Examiner cite to statutory or other precedential provisions for maintaining this rejection.

Provisional Double Patenting Rejection

Without admitting to the propriety of the provisional double patenting rejection at this time, Applicant may consider submitting a terminal disclaimer if and when one of the co-pending applications is found allowable.

Rejections Under 35 U.S.C. § 103

Claims 1-7, 9-17, 19-26, 28-36, 38 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Zucknovich et al. Claims 8, 18, 27 and 27 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Zucknovich et al as applied to claims 1-7, 9-17, 19-26, 28-36, 38 above, and further in view of Day et al. Applicant respectfully traverses these rejections on the following basis.

Independent claims 1, 11, 20, and 30 recite, among other things, the features of providing a collaboration tool with which a client and one or more participants may interact and enabling the one or more participants to interact with each other through the collaboration tool. The Examiner alleges that Zucknovich teaches every claim element except the use of the term "collaboration" to describe their tool, which the Examiner further alleges would have been obvious to one of ordinary skill in the art. Applicant disagrees with the Examiner's assertions.

Zucknovich discloses a system and method for controlling the distribution of electronic information from a research provider to companies that are the subject of the

electronic information (column 2, lines 32-37). Contributors upload research reports to a central server where the reports can be searched for and retrieved by other users.

There is no interaction among the participants, nor is there an exchange of client data among the participants, as the Examiner alleges. At best, users may download reports from a central repository. Since Zucknovich does not teach or suggest at least the feature of enabling one or more participants to interact with each other, Zucknovich does not make obvious every element of the claim. Thus, independent claims 1, 11, 20, and 30 are allowable at least for this reason and others. Moreover, there is no proper legal basis provided to modify Zucknovich.

Dependent claims 2-7, 9, 10, 12-17, 19, 21-26, 28, 29, 31-36, and 38 depend from and add additional features to one of claims 1, 11, 20, and 30. Thus, for at least the reasons set forth above and others, these dependent claims are patentable over Zucknovich.

Regarding claims 8, 18, 27, and 37, Day does not make up for the deficiencies set forth above with regard to claims 1, 11, 20, and 30. Thus, the combination of Zucknovich and Day does not teach and/or suggest the features of claims 8, 18, 27, and 37. Thus, dependent claims 8, 18, 27, and 37 are patentable over Zucknovich and Day for at least these reasons and others.

Conclusion


A full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Dated: June 3, 2004

Respectfully submitted,

Customer Number
29315

 # 48,283
for James G. Gatto
Registration No.: 32,694
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND
POPEO P.C.
12010 Sunset Hills Road, Suite 900
Reston, Virginia 20190
703-464-4800